

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LARRY E. STARKS, JR.,</b>	)	
<b>CRAIG L. SPENCER,</b>	)	
<b>JAMES BROWN,</b>	)	
<b>KEVIN D. DRYSDALE, and</b>	)	
<b>DAVID COLEMAN,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>CIVIL NO. 08-cv-659-JPG</b>
<b>vs.</b>	)	
	)	
<b>JAMES J. DAVIDSON, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

Three motions are pending in this action. In the first, Plaintiffs seek injunctive relief in the form of a court order giving them more access to the law library (Doc. 23).

In considering whether to grant injunctive relief, a district court is obligated to weigh the relative strengths and weaknesses of a plaintiff's claims in light of a five-part test that has long been part of the Seventh Circuit's jurisprudence. Specifically, a plaintiff must establish: (1) that there is a reasonable or substantial likelihood that he would succeed on the merits; (2) that there is no adequate remedy at law; (3) that absent an injunction, he will suffer irreparable harm; (4) that the irreparable harm suffered by a plaintiff in the absence of the injunctive relief will outweigh the irreparable harm that defendants will endure were the injunction granted; and (5) that the public interest would be served by an injunction. *Teamsters Local Unions Nos. 75 and 200 v. Barry Trucking*, 176 F.3d 1004, 1011 (7<sup>th</sup> Cir. 1999).

Plaintiffs have made no showing on even one of these elements, and thus the instant motion is **DENIED**.

In their next motion, Plaintiffs seek leave to file an amended complaint (Doc. 24), and they have submitted a copy of their proposed amended complaint. This motion is **GRANTED**; the Clerk shall file their proposed amended complaint.

In the final motion, filed only by Plaintiff Starks, he seeks entry of default judgment against Defendants (Doc. 25). However, default judgment is not appropriate, as Defendants have not yet been served with the complaint or, now, the amended complaint. After the Court completes a preliminary review of the amended complaint, *see* 28 U.S.C. § 1915A, service will be ordered to the extent that any claims survive that review. In short, this motion is **DENIED**.

**IT IS SO ORDERED.**

**Dated: June 2, 2009.**

s/ J. Phil Gilbert  
**U. S. District Judge**